

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

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**SIXTY-FIFTH LEGISLATIVE DAY  
TUESDAY, MARCH 15, 2005**

Senate Chamber

President Risch called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Cameron, Langhorst, Stegner, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by April Palmer, Page.

The Senate advanced to the Third Order of Business.

### **Reading and Correction of the Journal**

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 14, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### **Petitions, Resolutions, and Memorials**

Senator Langhorst was recorded present at this order of business.

### **SJM 110**

#### **BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Idaho is among the forty-five states and the District of Columbia to impose a sales and use tax; and

WHEREAS, the United States Supreme Court in its decisions in *National Bellas Hess, Inc. v. Department of Revenue of Illinois*, 386 U.S. 753 (1967) and *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992) denies to states the authority to require collection of sales and use taxes by out-of-state remote sellers (e.g. Internet and catalog sellers) who have no physical presence in the state due to the "undue burden" that results from the complexities associated with differing state and local sales tax laws; and

WHEREAS, the inability of states like Idaho to require certain direct marketers and other businesses selling to their residents to collect sales and use tax places many community businesses that support state and local government and local community activities at a substantial competitive disadvantage; and

WHEREAS, restrictions on collections of such taxes result in a loss of revenue equaling billions of dollars to the states and millions of dollars to the state of Idaho; and

WHEREAS, there is a clear need for simplification of state and local sales tax administration and greater uniformity among states in the administration of sales and use tax to avoid imposing an undue burden on interstate commerce; and

WHEREAS, more than forty states are now involved in the Streamlined Sales Tax Project that has as its goal the development of a radically simplified sales tax administration system that will reduce the compliance burden for all types of retailers; and

WHEREAS, more than forty states have joined together to adopt the Streamlined Sales and Use Tax Agreement which provides for member states to make substantive simplifications to their sales and use tax systems to remove or substantially reduce the burdens on interstate commerce addressed in the *Quill* and *National Bellas Hess* cases; and

WHEREAS, one of the goals of the Streamlined Sales Tax Project is to encourage the registration and collection of sales and use taxes by remote sellers who are not now collecting such taxes on otherwise taxable sales to customers located in states where the remote sellers do not have physical presence sufficient to subject them to the states' jurisdiction to require such collection; and

WHEREAS, the Streamlined Sales and Use Tax Agreement provides that when ten states representing twenty percent of the population of all states imposing sales and use taxes have enacted the required simplification provisions addressed in the agreement and been admitted to membership in the agreement, the agreement shall take effect.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully urge the Congress of the United States to authorize those states which have become members of the Streamlined Sales and Use Tax Agreement, by conforming their sales and use tax laws to the requirements of the agreement, to require sales and use tax collection responsibility on the part of remote sellers who have no physical presence in the state.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

**SJM 110** was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 15, 2005

The JUDICIARY AND RULES Committee reports that **S 1191, S 1192, S 1193, S 1194, S 1195, S 1196, S 1197, S 1198,** and **S 1199** have been correctly printed.

DARRINGTON, Chairman

**S 1191** was referred to the Resources and Environment Committee.

**S 1192** was referred to the State Affairs Committee.

**S 1193, S 1194,** and **S 1195** were referred to the Finance Committee.

**S 1196, S 1197,** and **S 1199** were referred to the Judiciary and Rules Committee.

**S 1198** was referred to the Commerce and Human Resources Committee.

March 14, 2005

The JUDICIARY AND RULES Committee reports that **S 1070** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1070** and ordered it transmitted to the House for the signature of the Speaker.

March 14, 2005

The JUDICIARY AND RULES Committee reports that **S 1163,** as amended, **S 1164,** as amended, **S 1158,** as amended, and **S 1171,** as amended, have been correctly engrossed.

DARRINGTON, Chairman

**S 1163,** as amended, **S 1164,** as amended, **S 1158,** as amended, and **S 1171,** as amended, were filed for first reading.

March 14, 2005

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1163, S 1164, H 140, H 200, S 1158,** and **S 1171** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 14, 2005

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Andrea Wassner to the Idaho Commission on Human Rights, term to expire July 1, 2006;

Clarisse Maxwell to the Idaho Commission on Human Rights, term to expire July 1, 2007.

BURTENSHAW, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 14, 2005

The STATE AFFAIRS Committee reports out **S 1174** and **S 1160** with the recommendation that they do pass.

BURTENSHAW, Chairman

**S 1174** and **S 1160** were filed for second reading.

March 14, 2005

The FINANCE Committee reports out **H 302, H 303, H 304,** and **H 305** with the recommendation that they do pass.

CAMERON, Chairman

**H 302, H 303, H 304,** and **H 305** were filed for second reading.

March 14, 2005

The JUDICIARY AND RULES Committee reports out **H 94,** as amended, and **H 157** with the recommendation that they do pass.

DARRINGTON, Chairman

**H 94,** as amended, and **H 157** were filed for second reading.

March 14, 2005

The JUDICIARY AND RULES Committee reports out **H 127,** as amended, and **H 130,** as amended, with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 127,** as amended, and **H 130,** as amended, were referred to the Fourteenth Order of Business, General Calendar.

March 14, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **H 67, H 132, H 133,** and **H 229** with the recommendation that they do pass.

SCHROEDER, Chairman

**H 67, H 132, H 133, and H 229** were filed for second reading.

March 14, 2005

The EDUCATION Committee reports out **H 18, H 231, and H 17** with the recommendation that they do pass and with the recommendation that **H 17** be placed on the Consent Calendar.

GOEDDE, Chairman

**H 18, H 231, and H 17** were filed for second reading.

March 14, 2005

The HEALTH AND WELFARE Committee reports out **HCR 12** with the recommendation that it do pass.

COMPTON, Chairman

**HCR 12** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 15, 2005

The FINANCE Committee reports out **S 1193, S 1194, and S 1195** with the recommendation that they do pass.

CAMERON, Chairman

**S 1193, S 1194, and S 1195** were filed for second reading.

Senators Stegner and Sweet were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

February 7, 2005

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1024, S 1025, S 1027**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

February 14, 2005

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1026, S 1029**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

February 22, 2005

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1003**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 14, 2005

Mr. President:

I transmit herewith **H 309, HJM 7, H 280, H 281, H 138, H 203, as amended, H 197, as amended, H 174, as amended, H 208, as amended, H 101, as amended, H 160, as amended, and H 247, as amended**, which have passed the House.

JUKER, Chief Clerk

**H 309, HJM 7, H 280, H 281, H 138, H 203, as amended, H 197, as amended, H 174, as amended, H 208, as amended, H 101, as amended, H 160, as amended, and H 247, as amended**, were filed for first reading.

March 14, 2005

Mr. President:

I transmit herewith Enrolled **HCR 15, H 102, and H 190** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **HCR 15, H 102, and H 190** and ordered them returned to the House.

March 14, 2005

Mr. President:

I return herewith Enrolled **S 1002, S 1005, S 1006, S 1007, S 1013, S 1014, S 1015, S 1016, S 1023, S 1050, S 1059, S 1066, S 1083, S 1090, S 1091, S 1110, S 1141, SJM 102, SJM 103, SJM 104, SJM 105, SCR 107, and SCR 112** which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1002, S 1005, S 1006, S 1007, S 1013, S 1014, S 1015, S 1016, S 1023, S 1050, S 1059, S 1066, S 1083, S 1090, S 1091, S 1110, S 1141** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SJM 102, SJM 103, SJM 104, SJM 105, SCR 107, and SCR 112** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1200**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1201**

**BY STATE AFFAIRS COMMITTEE**

AN ACT

RELATING TO SALES AND USE TAXES; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 46, TITLE 63, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE DEFINITIONS, TO PROVIDE A STATEMENT OF FINDINGS AND INTENT, TO PROVIDE DUTIES OF THE STATE TAX COMMISSION, TO AUTHORIZE THE COMMISSION TO ENTER THE STREAMLINED SALES TAX AGREEMENT, TO PROVIDE THAT THE AGREEMENT DOES NOT PREEMPT STATE LAW, TO ESTABLISH THE MINIMUM TERMS AND CONDITIONS FOR ENTERING THE AGREEMENT, TO PROVIDE THAT THE AGREEMENT IS AN ACCORD AMONG COOPERATING SOVEREIGNS, TO PROVIDE FOR LIMITATIONS ON ACTIONS, TO PROVIDE

FOR CERTIFIED SERVICE PROVIDERS AND TO REQUIRE THE STATE TAX COMMISSION TO PREPARE PROPOSED LEGISLATION TO IMPLEMENT THE PROVISIONS OF THE SIMPLIFIED SALES AND USE TAX AGREEMENT; PROVIDING AN EFFECTIVE DATE AND PROVIDING A CONTINGENT EFFECTIVE DATE.

**S 1202**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2006; PROVIDING FOR THE RECOVERY OF BANKING SERVICES COSTS TO THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1203**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1204**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2006; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICES COSTS TO THE GENERAL FUND; REQUIRING CERTAIN PURCHASES BE SUBJECT TO CERTAIN CONDITIONS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; STATING LEGISLATIVE INTENT AUTHORIZING THE SOLICITATION OF FUNDS FROM STATE AGENCIES; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1205**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1206**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1207**

**BY FINANCE COMMITTEE**

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION ON AGING FOR FISCAL YEAR 2006; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

**S 1208**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2006.

**S 1200, S 1201, S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, and S 1208** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 140**, as amended in the Senate, and **H 200**, as amended in the Senate, by Business Committee, were read the first time at length and filed for second reading.

**S 1163**, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

**S 1164**, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

**S 1158**, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

**S 1171**, by Finance Committee, was read the first time at length and filed for second reading.

**H 309**, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

**HJM 7**, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

**H 280**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**H 281**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

**H 138 and H 160**, as amended, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

**H 203**, as amended, and **H 208**, as amended, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

**H 197**, as amended, by Business Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**H 174**, as amended, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

**H 101**, as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

**H 247**, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 152, H 153, and H 154**, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

**S 1183**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 204, H 205, and H 206**, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

**H 245**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 296 and H 297**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 165**, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

**H 64**, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

The Senate advance to the Thirteenth Order of Business.

**Third Reading of Bills**

Senator Cameron was recorded present at this order of business.

**S 1188** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1188** passed, title was approved, and the bill ordered transmitted to the House.

**H 294** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Lodge disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 294** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Darrington, granted by unanimous consent, **S 1165**, having been held, retained its place on the Third Reading Calendar for Thursday, March 17, 2005.

**S 1179** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--Davis. Total - 1.

Absent and excused--Cameron. Total - 1.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1179** passed, title was approved, and the bill ordered transmitted to the House.

**S 1180** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Stennett, Werk, Williams. Total - 29.

NAYS--Little, Schroeder, Stegner. Total - 3.

Absent and excused--Cameron, Sweet. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **S 1180** passed, title was approved, and the bill ordered transmitted to the House.

**H 33** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Burtenshaw, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Geddes, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Stegner, Sweet, Williams. Total - 19.

NAYS--Andreason, Bunderson, Burkett, Compton, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 15.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 33** passed, title was approved, and the bill ordered returned to the House.

**H 56** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 56** passed, title was approved, and the bill ordered returned to the House.

The President called Senator Darrington to the Chair.

**H 183** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant.]

Whereupon the Acting President declared **H 183** passed, title was approved, and the bill ordered returned to the House.

**H 184** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 34. [District 21 seat vacant]

Whereupon the Acting President declared **H 184** passed, title was approved, and the bill ordered returned to the House.

The President returned to the Chair.

**H 187** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Goedde, Kelly, Keough, Langhorst, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Geddes, Hill, Jorgenson, Little, Stegner. Total - 5.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 187** passed, title was approved, and the bill ordered returned to the House.

**H 75** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--Sweet, Williams. Total - 2.

Total - 34. [District 21 seat vacant.]

Whereupon the President declared **H 75** passed, title was approved, and the bill ordered returned to the House.

**H 163** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Goedde, Andreason, Compton, and Broadsword arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Broadsword, Bunderson, Burkett, Coiner, Compton, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Schroeder, Stegner, Stennett, Werk. Total - 23.

NAYS--Brandt, Burtenshaw, Cameron, Corder, Darrington, Davis, Geddes, Pearce, Richardson, Sweet, Williams. Total - 11.

Total - 34. [District 21 seat vacant.]

Paired and voting included in roll call:

AYE - Malepeai                      NAY - Williams

Whereupon the President declared **H 163** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all House Appropriations bills were placed at the head of the Third Reading Calendar, followed by Senate Bills, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 1:30 p.m. until the hour of 9:30 a.m., Wednesday, March 16, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary